



Federal Communications Commission
Washington, D.C. 20554

August 16, 2019

VIA ELECTRONIC MAIL

Jimmy Tobias
MuckRock News
DEPT MR 75554
411A Highland Ave
Somerville, MA 02144
15369827@requests.muckrock.com

Re: Freedom of Information Act Request Control No. FCC-2019-000521

Dear Mr. Tobias:

This responds to your Freedom of Information Act (FOIA) request, which the Federal Communications Commission's (Commission or FCC) FOIA Office received on June 20, 2019.¹ The FCC's FOIA Office assigned Control No. FCC-2019-000521 to your request and referred it to the Wireline Competition Bureau for processing.² In your FOIA request, you indicate the following:

Pursuant to the Freedom of Information Act, I hereby request the following records: Any and all written or electronic communications, including attachments, sent or received by members of the Leveraging Federal Assets For Broadband Working Group that contain one or more of the following words or phrases: "national park", "NPS", "national parks", "national forest", "national forests", and/or "wilderness". This request seeks documents produced between March 7, 2018 and the date this request is processed. This request also seeks any records or communications held by the Interior Department's Katharine MacGregor concerning this working group.

Our search did not identify any records responsive to your request. The Commission is not a member of the Leveraging Federal Assets for Broadband

¹ FOIA request from Jimmy Tobias to FOIA Office, Federal Communications Commission (received June 20, 2019).

² The original due date for responding to your request was July 19, 2019. On July 17, 2019, we advised you that, pursuant to Section 0.461(g)(1)(iii) of the Commission's rules, we were extending the original deadline for responding to your request to August 2, 2019. On July 31, 2019, we sought and received your consent for an additional extension of time to respond to your request to August 16, 2019. *See* 47 C.F.R. Section 0.461(g)(2).

Deployment Working Group. Additionally, Katharine MacGregor is not an employee of the Commission, and thus the Commission is not in possession of her records.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.³ Pursuant to section 0.466(a)(5)-(7) of the Commission's rules, you have been classified as category (2), which comprises "educational requesters, non-commercial scientific organizations, or representatives of the news media."⁴ Requesters in this category are responsible only for any charges to recover the cost of reproducing the records requested, excluding the cost of reproducing the first 100 pages. Because this response did not involve any duplication, you will not be charged any fees in connection with your request.⁵

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.⁶ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12th St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action" and reference Tracking No. FCC-2019-000521.

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director
Performance Evaluation and Records Management
445 12th St SW, Washington, DC 20554
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

³ See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

⁴ 47 C.F.R. § 0.466(a)(5)-(7).

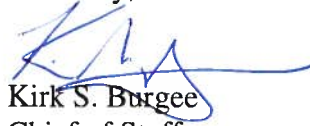
⁵ 47 C.F.R. § 0.470(a)(2).

⁶ 47 C.F.R. § 0.461(j). 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

Office of Government Information Services
National Archives and Records Administration

8601 Adelphi Road--OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Burgee", with a long horizontal flourish extending to the right.

Kirk S. Burgee
Chief of Staff
Wireline Competition Bureau
Federal Communications Commission

cc: FOIA Office, FCC